

USDA Forest Service, Washington Office State & Private Forestry, Urban and Community Forestry Assistance Program

CHARTER

1. Committee's Official Designation

National Urban and Community Forestry Advisory Council (the Council)

2. Authority

The Council is established consistent with the Federal Advisory Committee Act of 1972 (5 U.S.C. App. II) (FACA); and Section 9 of the Cooperative Forestry Assistance Act of 1978, as amended in 1990 by Title XII, Section 1219 of Public Law No. 101-624 (Act) (16 U.S.C. 2105g).

3. Objectives and Scope of Activities

The purpose of the Council is specifically to:

- a) Develop a National Urban and Community Forestry Action Plan in accordance with Section 9 (g)(3)(A-F) of the Act;
- b) Evaluate the implementation of that plan; and
- c) Develop criteria for, and submit recommendations with respect to the urban and community forestry challenge cost-share program as required by Section 9 (f) (1-2) of the Act.

4. Description of Duties

The Council is solely advisory in nature and will offer the following:

- a) The Council shall prepare and submit a National Urban and Community Forestry Action Plan every 10 years as described in the Act. The plan may be amended by a majority of the Council members.
- b) Beginning not later than one year after the plan is submitted, and annually thereafter, the Council shall submit to the Secretary a review of the plan. Amendments to the plan shall be incorporated into this review.

5. Agency or Official to Whom the Committee Reports

The Council reports to the Secretary of Agriculture through the Deputy Chief, State and Private Forestry, Forest Service; the Chief of the Forest Service; and the Under Secretary for Natural Resources and Environment. The Secretary of Agriculture retains the authority to appoint Council members.

6. Support

Administrative, financial and technical support for the Council will be provided by the Forest Service, State and Private Forestry, Cooperative Forestry, Urban and Community Forestry unit.

7. Estimated Annual Operating Costs and Staff Years

Members of the Council serve without compensation, but may, in performance of their duties away from home or regular places of business, be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, as authorized in 5 U.S.C. 5703. All expenses will be subject to the approval of the Designated Federal Officer, (DFO), in accordance with USDA travel regulations.

Reimbursement for travel and per diem for attendance at Council meetings called by the Chairperson and with an agenda approved by the DFO will be provided for members who request reimbursement.

Annual operating costs of the Council are estimated at \$175,000. This includes direct costs, as well as 1.25 staff years of support. Expenses will be borne by the Forest Service each year.

8. Designated Federal Officer

A permanent Federal employee is to be appointed in accordance with agency procedures and will serve as the DFO. The DFO will approve the advisory Council's and Subcommittees' meetings, prepare and approve all meeting agendas, attend all Council and Subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory Council reports.

The Urban Forestry Assistant Director, or an appointed acting, will serve as the DFO for the Council.

9. Estimated Number and Frequency of Meetings

The Council will meet approximately twice a year. All meetings including conference calls will be open to the public, unless they address matters exempted by the open meetings requirement under The Government in the Sunshine Act (5 U.S.C. § 552b). The Council or Subcommittee shall not hold any meetings except at the call of, or with the advance approval of, the DFO.

10. Duration

Continuing.

11. Termination

The Charter will terminate two years after the date of filing, unless it is renewed by the Secretary.

12. Membership and Designation

12a. This Council will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. The Council has staggered membership terms and limits the number of renewed memberships. The Council will consist of not more than 15 members who provide balanced and broad representation within each of the following categories:

- (1) Two members representing national nonprofit forestry and conservation citizen organizations;
- (2) Three members, one each representing State, county, and city and town governments;
- (3) One member representing the forest products, nursery, or related industries;
- (4) One member representing urban forestry, landscape, or design consultants;
- (5) Two members representing academic institutions with an expertise in urban and community forestry activities;
- (6) One member representing state forestry agencies or equivalent state agencies;
- (7) One member representing a professional renewable natural resource or arboricultural society;
- (8) One member from Extension Service (National Institute of Food & Agriculture);
- (9) One member from the Forest Service; and
- (10) Two members who are not officers or employees of any governmental body, one of whom is a resident of a community with a population of less than 50,000 as of the most recent census and both of whom have expertise and have been active in urban and community forestry.

When a Council position is vacated before the end of its term, the position is filled in the same manner in which the original appointment was made.

12b. Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Council. To ensure that the recommendations of the Council have taken into account the needs of the diverse groups served by USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the needs of men and women of all racial and ethnic groups, and persons with disabilities.

12c. The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, gender, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program.

12d. Of these members, a chairperson shall be selected by the Secretary according to the establishment authority, who is recognized for their ability to lead a group in a fair and focused manner and who has been briefed on the mission of this Council

12e. To maintain the highest levels of honesty, integrity and ethical conduct, no member of the Council or any Subcommittee shall participate in any "specific party matters" (i.e., matters that narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Council or Subcommittee members to immediately disclose to the DFO (for discussion with USDA's Office of Ethics) any specific party matter in which the member's immediate family, relatives, business partners or employer would be directly seeking to financially benefit from the Council's recommendations. Members of the Council shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, claims, grants, or agreements that involve lands or resources administered by the Forest Service, or in any litigation related thereto. For purposes of this paragraph, indirect interest includes holdings of a spouse or a dependent child.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Council's advice and recommendations. Members who are appointed as "Representatives" are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

Members appointed as "Special Government Employees" (SGEs) are considered intermittent Federal employees and are subject to Federal ethics laws. SGEs are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form) and, upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards USDA will provide ethics training to

SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

13. Subcommittees

The Council has the authority to create subcommittees. Subcommittees must report back to the Council for possible action on any recommendations, and must not provide advice or work products directly to the Department or Agency.

14. Recordkeeping

The records of this Council, formally and informally established Subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at www.fs.fed.us/ucf/nucfac

15. Filing Date

July 30, 2014